

CECW-B

DEPARTMENT OF THE ARMY  
U.S. Army Corps of Engineers  
Washington, D.C. 20314-1000

EC 11-2-185

Circular  
No. 11-2-185

31 July 2003

EXPIRES 31 DECEMBER 2003  
Army Programs  
AVAILABILITY, OBLIGATION AND USE OF GENERAL EXPENSES  
AND OTHER CIVIL FUNDS IN FISCAL YEAR 2003

1. **Purpose.** The purpose of this circular is to establish policy and provide guidance on the availability, obligation and use of General Expenses (GE) and other civil funds appropriated for Fiscal Year (FY) 2003 in Title I of the Energy and Water Development Appropriations Act, 2003. It does not alter the missions, functions or organizational structure of division and district offices that are prescribed in existing regulations.
2. **Applicability.** This circular applies to all U.S. Army Corps of Engineers (USACE) activities funded by appropriations in Title I of the Energy and Water Development Appropriations Act, 2003, although it primarily focuses on activities of Headquarters, U.S. Army Corps of Engineers (HQUSACE), and the division offices.
3. **References.**
  - a. Consolidated Appropriations Resolution, 2003 P.L.108-7, 20 February 2003, 117 Stat. 11. Division D contains Energy and Water Development Appropriations, 2003.
  - b. House Report No. 107-681, 5 September 2002, Committee on Appropriations
  - c. Senate Report No. 107-220, 24 July 2002, Committee on Appropriations
  - d. House Report No. 108-10, February 13, 2003, Committee of Conference
  - e. ER 10-1-2, Division and District Offices
  - f. ER 11-2-290, Civil Works Activities - General Expenses
  - g. OM 10-1-1, Headquarters, U.S. Army Corps of Engineers
4. **Distribution.** Approved for public release; distribution is unlimited.

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5. **Statutory Restrictions.**

a. Title I of the Energy and Water Development Appropriations Act, 2003, imposes three restrictions on the availability and obligation of GE and other title I funds appropriated therein:

(1) Prohibits the use of other-than-GE title I appropriations for HQUSACE activities.

(2) Prohibits the use of other-than-GE title I appropriations for division office executive direction and management (ED&M) activities.

(3) Prohibits the use of GE funds to support an office of congressional affairs within the executive office of HQUSACE.

b. The restriction in paragraph a(1), above, pertains to personnel permanently or temporarily assigned to HQUSACE and all costs of HQUSACE functions, including labor, travel, contracts, reimbursable orders, and purchases of goods or services. The restriction in paragraph a(2), above, pertains to division ED&M activities. The restriction in paragraph a(3), above, is specific to the executive office of HQUSACE and is not addressed in this circular.

c. Headquarters USACE has established policies on missions, functions, organizational structure, and use of resources, consistent with existing laws and regulations. This circular does not alter or circumvent these policies.

6. **Responsibilities.**

a. The Director of Civil Works, HQUSACE, will approve the availability, obligation and use of other-than-GE title I funds for activities and functions not listed in this circular, consistent with existing laws, regulations and policies.

b. Division commanders will ensure that activities within their command and control meet the requirements of this circular.

7. **Headquarters USACE.** The restriction in paragraph 5a(1) applies to HQUSACE activities.

a. **Headquarters USACE Activities.** Headquarters USACE activities include responsibilities, duties and actions directly or indirectly related to the following:

(1) Policy Development and Guidance

- (2) Program Management, Review and Oversight
- (3) Quality Assurance
- (4) Review of Project Documents
- (5) Assistance Visits and Inspections
- (6) Training Proponency
- (7) Participation in Meetings, Conferences and Workshops (except as noted in paragraph b, below)
- (8) General Administration of HQUSACE
- (9) Operational Functions Performed by a HQUSACE Organization (except as noted in paragraph b, below)
- (10) Development of Technical Criteria and Standards
- (11) Technical Monitoring of Research and Development
- (12) Activities Directed by the Secretary of the Army

b. Other Activities. The following functions are not considered to be HQUSACE activities due to their significant relationship to projects or programs and unique characteristics not normally associated with Headquarters operations. Therefore, the restriction in paragraph 5a(1) does not apply.

(1) Costs associated with services as a **technical consultant** arising from past association with and knowledge of a study, project or program while assigned to a field activity, or because of personal engineering or other technical expertise, and which do not involve the performance of HQUSACE functions or representation of HQUSACE. Requests must originate, in writing, with the field activity and be approved by the HQUSACE team member's division chief.

(2) Travel of **instructors** to Proponent Sponsored Engineer Corps Training (PROSPECT) and other official, documented, formal training sessions and related meetings. However, travel by proponents and support personnel for Headquarters management, oversight and administration purposes is considered performance of HQUSACE functions.

(3) Travel by and support services for the **Value Engineering Study Team** in

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Savannah, GA, to conduct value engineering studies of civil projects. The Value Engineering Branch in Washington, D.C., however, performs HQUSACE functions.

(4) Travel in direct technical support of the **Coastal Engineering Research Board** not involving a function listed in paragraph a, above.

(5) **Emergency operations** in response to a natural disaster or national emergency, to include replenishment of supplies and equipment and supplemental staffing in support of planning, preparedness, response and recovery activities. The Flood Control and Coastal Emergencies (FCCE) appropriation will support these activities, except that the normal labor costs of GE-funded Headquarters and Division staff who participate in emergency operations will continue to be paid from GE; and extraordinary costs, such as overtime and travel associated with emergency operations, will be paid from FCCE.

(6) **Emergency management planning, exercises and technical workshops**, that are necessary to respond to natural disasters or national emergencies, and are performed centrally for efficiencies of cost and effort. The Flood Control and Coastal Emergencies appropriation and the Operation and Maintenance, General, Catastrophic Disaster Preparedness Program, will support these activities.

(7) Costs associated with documented **professional developmental assignments** of field personnel to HQUSACE. Since professional development of the workforce is a cooperative effort, the costs may be shared between HQUSACE and the team member's organization (e.g., district continues to pay for labor; HQUSACE pays for travel and per diem).

(8) Costs associated with **temporary assignment of HQUSACE personnel** to field organizations.

(9) Centralized **procurement of goods or services** to achieve efficiencies of cost and effort.

(10) Travel associated with assisting the **U.S. Government in meeting its obligations** arising from agreements with Canada or other international activities (e.g., Columbia River Treaty Permanent Engineering Board).

(11) Travel associated with invitations to attend meetings, conferences and workshops sponsored by or through the **Special Emphasis Program** of a field activity, when such attendance does not involve the performance of HQUSACE functions or representation of HQUSACE.

(12) Costs associated with services as a **process consultant, facilitator or**

**analyst** arising from past association with and expertise in team building, problem solving or goal setting and which do not involve the performance of HQUSACE functions or representation of HQUSACE. Requests must originate, in writing, with the field activity and be approved by the HQUSACE team member's division chief.

8. **Division Offices.** The restriction in paragraph 5a(2) applies to division ED&M activities. It does not apply to the activities conducted under the authority of the Mississippi River and Tributaries project (33 USC 702a and 702g-1).

a. **Executive Direction and Management.** For purposes of this circular, the ED&M activities of a division office include responsibilities, duties and actions directly or indirectly related to the following:

- (1) Policy Coordination and Implementation
- (2) Program Management, Review and Oversight
- (3) Quality Assurance
- (4) Assistance Visits and Inspections
- (5) Representation at Meetings, Conferences and Workshops
- (6) General Administration of Division Office

b. **Additional Guidance.** See references in paragraphs 3e and 3f for policies and guidance on missions, functions, organizational structure, and use of resources.

c. **Other Activities.** The following functions are not considered to be division office ED&M activities due to their significant relationship to projects and unique characteristics not normally associated with division ED&M functions. Therefore, the restriction in paragraph 5a(2) does not apply.

(1) Costs associated with services as a **technical consultant** arising from past association with and knowledge of a study, project or program while assigned to a field activity, or because of personal engineering or other technical expertise, and which do not involve the performance of division ED&M functions or representation of the division office. Requests must originate, in writing, with the field activity and be approved by the division office team member's division chief.

(2) Travel of **instructors** to Proponent Sponsored Engineer Corps Training (PROSPECT) and other official, documented, formal training sessions and related meetings. However, travel by proponents and support personnel for division office

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management, oversight or administration purposes is ED&M.

(3) **Emergency operations** in response to a natural disaster or national emergency, to include replenishment of supplies and equipment and supplemental staffing in support of planning, preparedness, response and recovery activities. The Flood Control and Coastal Emergencies (FCCE) appropriation will support these activities, except that the normal labor costs of GE-funded Headquarters and Division office staff who participate in emergency operations will continue to be paid from GE; and extraordinary costs, such as overtime and travel associated with emergency operations, will be paid from FCCE.

(4) **Readiness planning and exercise activities and technical workshops**, that are necessary to respond to natural disasters or national emergencies, and are performed centrally for efficiencies of cost and effort. The Flood Control and Coastal Emergencies appropriation and the Operation and Maintenance, General, National Emergency Preparedness Program, will support these activities.

(5) Costs associated with documented **professional developmental assignments** of field personnel to division offices. Since professional development of the workforce is a cooperative effort, the costs may be shared between the division office and the team member's organization (e.g., district continues to pay for labor; division office pays for travel and per diem).

(6) Costs associated with **temporary assignment of division office personnel** to field organizations.

(7) Centralized **procurement of goods or services** to achieve efficiencies of cost and effort.

(8) Certain **permitting responsibilities** under the Regulatory Program, assigned by HQUSACE to the division offices:

- (a) Approval of emergency permits
- (b) Development and implementation of regional conditions for nationwide permits
- (c) Review of district permit decisions made contrary to position of a State governor
- (d) Review of permit cases elevated from district for division office decision
- (e) Exercising the regional discretionary authority option on nationwide permits

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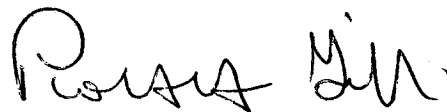
(f) Administrative appeals

(9) When specifically assigned by HQUSACE to the division offices, certain ***flood plain management responsibilities*** under the Flood Plain Management Services program that would otherwise be accomplished by a district.

(10) Non-ED&M operating costs of ***nationwide, regional or consolidated activities*** authorized by HQUSACE.

(11) ***Cooperation with other Federal agencies, States and non-federal interests*** as authorized by HQUSACE and directly funded.

FOR THE COMMANDER:

A handwritten signature in black ink, appearing to read "Robert H. Griffin".

ROBERT H. GRIFFIN  
Major General, USA  
Acting Director of Civil Works